

REMARKS

Claims 1–9 are pending in the present application.

Claim 1 was amended. Claims 6–9 were added.

Reconsideration of the claims is respectfully requested.

35 U.S.C. § 102 (Anticipation)

Claims 1–5 were rejected under 35 U.S.C. § 102(e) as being anticipated by U.S. Patent No. D341,284 to *Martin*, U.S. Patent No. D181,058 to *Kaye*, U.S. Patent No. D167,942 to *Jones*, U.S. Patent D139,954 to *Krass*, or U.S. Patent No. D266,045 to *Kamel et al.* This rejection is respectfully traversed.

A claim is anticipated only if each and every element is found, either expressly or inherently described, in a single prior art reference. The identical invention must be shown in as complete detail as is contained in the claim. MPEP § 2131 at p. 2100-70 (8th ed. rev. 1 February 2003).

Independent claim 1 recites a placemat body. *Martin* does not depict a place mat, but a cushion, while *Krass* depicts a tray. Furthermore, independent claim 1 recites a major portion sized to completely underlie a place setting including a plate and silverware. None of *Kaye*, *Jones* or *Kamel et al* contain any teaching regarding size, and *Jones* teaches away from such a limitation, as apparently does *Kamel et al.* Still further, independent claim 1 recites a coaster extension projecting from a peripheral edge of the major portion and sized to completely underlie a beverage container.

As noted, none of *Kaye*, *Jones* or *Kamel et al* contain any teaching regarding size of “projections.”

Nor can such dimensions be inferred from the subject matter depicted and described.

Claim 2 recites the size of the major portion is not substantially larger than necessary to completely underlie a place setting. The Office Action asserts that because place settings may vary in size, this limitation cannot distinguish the claimed invention. However, as noted in the specification, the variance of place settings generally falls within a determinable range. Moreover, variance of an underlying parameter (such as size, weight or chemical composition) is not a basis for disregarding a relative limitation.

Claims 4 and 5 also recite limitations distinguishing the claimed invention over the cited references, which are not addressed in the Office Action.

Therefore, the rejection of claims 1–5 under 35 U.S.C. § 102 has been overcome.

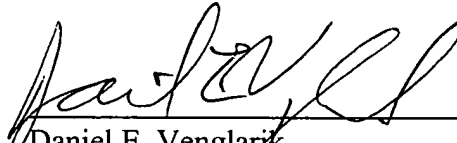
If any issues arise, or if the Examiner has any suggestions for expediting allowance of this Application, the Applicant respectfully invites the Examiner to contact the undersigned at the telephone number indicated below or at *dvenglarik@davismunck.com*.

The Commissioner is hereby authorized to charge any additional fees connected with this communication or credit any overpayment to Deposit Account No. 50-0208.

Respectfully submitted,

DAVIS MUNCK, P.C.

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Daniel E. Venglarik
Registration No. 39,409

P.O. Drawer 800889
Dallas, Texas 75380
(972) 628-3621 (direct dial)
(972) 628-3600 (main number)
(972) 628-3616 (fax)
E-mail: *dvenglarik@davismunck.com*